



PATENT
Attorney Docket No. 3180.0327

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
KAZUYA FUKUHARA ET AL.) Group Art Unit: 1756
)
Application No.: 10/615,228) Examiner: C. Young
)
Filed: July 9, 2003) Confirmation No.: 8398
)
For: INSPECTION METHOD AND A)
PHOTOMASK)

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)

Applicants hereby submit this Application for Patent Term Adjustment in order for the Patent Office to reconsider the patent term adjustment ("PTA") for the above-identified application.

In the Determination of Patent Term Adjustment issued by the Patent Office, it was determined that the PTA is 0 days. However, Applicants believe they are entitled to a PTA of at least 601 days.

The Patent Office issued a Restriction Requirement on April 12, 2005, and Applicants timely filed a Response to Restriction Requirement on May 12, 2005. On May 5, 2006, the Patent Office issued a Notice of Abandonment indicating Applicants failed to file a timely response to the April 2005 Requirement. On June 2, 2006, Applicants filed a Petition to Withdraw Holding of Abandonment along with a copy of the timely-filed Response.

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When the Petition was filed, the Patent Office erroneously entered the filing date of the Response to Restriction Requirement to be June 2, 2006. Applicants believe the Patent Office should have acknowledged the actual filing date of the Response to Restriction Requirement, i.e., May 12, 2005, since the Petition was timely filed within two months of issuance of the improper Notice of Abandonment. Therefore, the Patent Office erroneously determined a 325-day reduction in the PTA based on the Response to Restriction Requirement being filed June 2, 2006 (from the three-month deadline for the Response to Restriction Requirement (July 12, 2005) through the erroneous date of June 2, 2006).

Next, the Patent Office used the incorrect date of June 2, 2006, to determine the PTA for the issuance of the next Office Action, which was the Notice of Allowance mailed October 3, 2006. Four months from the incorrect date was October 2, 2006, resulting in Applicants being credited for one (1) day of PTA.

Applicants believe the Patent Office should count the four (4) months to the next Office Action from the actual date the Response to Restriction Requirement was filed, i.e., May 12, 2005. Therefore, PTA accruing for Applicants based on late mailing of the Notice of Allowance should have been measured from September 12, 2005 (May 12 + 4 months). Measuring from this date, until the Notice of Allowance issued on October 3, 2006, should result in Applicants being credited with 386 days of PTA.

The time for first action by the Patent Office was also late, and the Patent Office has calculated this correctly as a 215 day credit for Applicants.

In view of the above, Applicants believe the correct PTA should be calculated as 215 days + 386 days = 601 days. There should be no subtractions for Applicants' delay.

A check in the amount of \$200.00 is enclosed with this Application. If any additional required fees are necessary, please charge to deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: _____

11/29/06

By: _____

Richard V. Burgujian
Reg. No. 31744